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Attorney for Defendant
MICHAEL STEVENS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL STEVENS,

Defendant(s).

Cr. S-04-289 WBS

**STIPULATION AND [PROPOSED]
ORDER RE: CONTINUANCE OF
STATUS CONFERENCE AND
EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT**

Hon. William B. Shubb

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H. Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action, September 7, 2005, and to continue the matter to October 12, 2005, at 9:00 a.m.

The reason for this continuance is that the parties are in the process of negotiating a disposition in this matter, but additional time is needed for the defense to investigate and research certain matters relating to the defendant's criminal history which could have a significant impact on the plea agreement. The parties further agree and stipulate that the period for the filing of this stipulation until October 12, 2005, should be excluded in computing time for commencement of trial under the Speedy Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow reasonable time necessary for

1 effective presentation.

2 It is further agreed and stipulated that the interest of justice served by granting this
3 continuance exceeds the interest of the public and the defendant in a speedy trial.

4 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

5
6 IT IS SO STIPULATED

7 DATE: September 2, 2005

8 s/Hayes H. Gable, III
9 **HAYES H. GABLE, III**
Attorney for Defendant

10 DATE: September 2, 2005

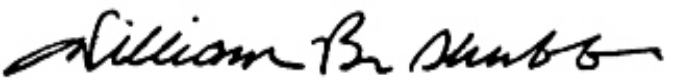
11 s/Matthew Segal
12 **MATTHEW SEGAL**
Asst. U.S. Attorney

13 **ORDER FINDING EXCLUDABLE TIME**

14 For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal,
15 the status conference in the above-entitled action is continued to October 12, 2005, at 9:00 a.m. The
16 court finds excludable time in this matter from September 7, 2005 through October 12, 2005, under
17 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow
18 reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the
19 Court finds that the interest of justice served by granting the requested continuance outweigh the best
20 interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

21
22 IT IS SO ORDERED.

23 DATE: September 6, 2005

24
25 
26 **WILLIAM B. SHUBB**
27 **UNITED STATES DISTRICT JUDGE**
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